

## **REMARKS**

Reconsideration of the present application is requested. Claims 53-55 have been added and claims 1, 2, 6-8, 10, 19-20, 23-24, 44 and 52 have been canceled. Example support for new claims 53-55 and amendments made herein may be found, for example, on p. 2, ll. 22-36, p. 7, l. 19 – p.9, l. 9 and p. 9, l. 12 – p. 10, l. 2 of Applicant's Specification. No new matter has been added.

## **PRIOR ART REJECTIONS**

### **CLAIM REJECTION UNDER 35 U.S.C. § 102**

Claims 16, 18, 30 and 33 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Provisional Patent No. 60/098,187 ("Graham"). Applicant traverses this rejection.

Graham fails to teach or suggest at least software stored in a memory for allowing a first user to *"select a first set of phone features from the list of phone features," "allowing the first user to download the first user's personal phone features to a second IP phone device," and "allowing the first user to operate the second IP phone device according to the first user's personal phone features from the PDA such that the first and second IP phone devices operate in a same manner based on the first user's personal phone features so long as each has the first user's personal phone features loaded therein,"* as required by claim 16.

Graham discloses a Hermes Call Slip Architecture, which provides a user interface presenting different options based upon the current state of a telephone (i.e., ringing, receiving caller I.D.). *Graham*, p. 1, para. 1, 5. The

Hermes Architecture also provides a standardized graphical interface for operating line management and call control features. *Id.* According to Graham, certain aspects of the user interface and architecture can be added to any Windows device. *Id.* at p. 5, para. 1. For example, a Palm-sized PC can be equipped with the Call Slip interface that interacts with a PBX phone and the PC to show call information and control features on a docked device. *Id.*

However, the Palm-sized PC of Graham only interacts with a PBX phone and PC to show call information with control features on the docked device. That is, the Palm-sized PC merely acts as a bridge displaying information provided from both a PBX phone and a PC. The Palm-sized PC does not, however, include any software for allowing a first user to *"select a first set of phone features from the list of phone features," "allowing the first user to download the first user's personal phone features to a second IP phone device,"* and *"allowing the first user to operate the second IP phone device according to the first user's personal phone features from the PDA such that the first and second IP phone devices operate in a same manner based on the first user's personal phone features so long as each has the first user's personal phone features loaded therein,"* as required by claim 16. Therefore, Graham does not anticipate claim 16.

Graham also fails to anticipate claim 30 for at least reasons somewhat similar to those set forth above with regard to claim 16. Graham also fails to anticipate claims 18 and 33 at least by virtue of their dependency from claims 16 or 30.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103(A)**

Claims 19, 21-22 and 34-38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Graham in view of U.S. Patent No. 6,009,469 ("Mattaway"). Applicant traverses this rejection.

As discussed above, Graham fails to teach or suggest all features of claims 16 or 30. Moreover, even assuming *arguendo* that Graham could be combined with Mattaway (which Applicant does not admit) the combination would also fail to teach or suggest all features of claims 16 or 30, and consequently claims 19, 21-22 and 34-38 dependent there from.

Mattaway is directed to a communication utility for establishing point-to-point communications between processes over a computer network. Specifically, with regard to FIG. 15A, Mattaway discloses a global server 1500 and various devices (e.g. ISP 1528, CSU/DSU 1526) operatively coupling the global server to the internet 1530. A Webphone 1536 is coupled to the internet 1530 through an Internet service provider (hereinafter ISP) 1532. Global server 1500 further includes a database 1516 which interacts with control server 1512 and information server 1514 through database server 1518. Database 1516 includes a Client table 1516A, an on-line table 1516B, a WebBoard table 1516C, a WebBoard configuration table 1516D and a WebBoard source table 1516E. The Client Table 1516A includes a separate record corresponding to each Webphone user (i.e., client) and each record includes information defining a client's personal information profile. *See, e.g., Mattaway* at col. 20 ll. 27-35.

Mattaway, however, fails to teach or suggest at least software stored in a memory for allowing a first user to "select a first set of phone features from the list of phone features," "allowing the first user to download the first user's personal phone features to a second IP phone device," and "allowing the first user to operate the second IP phone device according to the first user's personal phone features from the PDA such that the first and second IP phone devices operate in a same manner based on the first user's personal phone features so long as each has the first user's personal phone features loaded therein," as set forth in claim 16, and somewhat similarly in claim 30. The client table 1516A of Mattaway is located in a database 1516, which is included in a global server 1500 (*Mattaway* at col. 20, ll. 16-17, FIG. 15A). Each Webphone user (i.e., Client), has a separate record in the Table 1516A, including information defining an individual "clients profile of personal information" (*Mattaway*, col. 20, ll. 31-32). However, Mattaway makes no mention or suggestion of any software stored in a memory for allowing a first user to "download," any of this personal information or personal phone features from the PDA to an IP phone device, as required by claim 16, and somewhat similarly by claim 30. By contrast, in Mattaway information is stored in a database within a global server 1500 (see FIG. 15A), not within an Internet Protocol (IP) phone device.

Thus, even assuming *arguendo* that Mattaway could be combined with Graham (which Applicant does not admit); the combination still fails to teach or suggest all features of claims 16 or 30. Consequently, Graham and

Mattaway, even in combination fail to teach all features of claims 19, 21-22 or 34-38.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103(A)**

Claims 25, 26, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Graham in view of Mattaway and U.S. Patent No. 5,799,068 ("Kikinis"); and claims 13-18, 27-33, 41-46 and 49-52 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kikinis in view of Graham and Mattaway. Applicant respectfully traverses these rejections.

As discussed above, neither Graham nor Mattaway teach or suggest at least software stored in a memory for allowing a first user to *"select a first set of phone features from the list of phone features," "allowing the first user to download the first user's personal phone features to a second IP phone device,"* and *"allowing the first user to operate the second IP phone device according to the first user's personal phone features from the PDA such that the first and second IP phone devices operate in a same manner based on the first user's personal phone features so long as each has the first user's personal phone features loaded therein,"* as required by claim 16 and somewhat similarly by claim 30. Kikinis also fails to teach or suggest such features, and therefore, even assuming *arguendo* that Graham, Mattaway and Kikinis could be combined (which Applicant does not admit), the combination would still fail to render claims 16 or 30 obvious.

FIG. 16 of Kikinis is a simplified block diagram of a microPDA docked with a host computer. Col. 16, ll. 53-54. When docked, the microPDA is a means for a user to select and compose a mix of executable program files for downloading to the microPDA, either replacing or supplementing those executable routines already resident. *Kikinis*, col. 18, ll. 1-8. A user can have several different program lists for downloading as a batch, conveniently configuring the applicability of a microPDA among a wide variety of expected work environments. *Id.* at 5-10. While Kikinis discloses downloading to the microPDA, Kikinis fails to teach or suggest any downloading from the microPDA. Moreover, Kikinis discloses only downloading information to the microPDA from a PC or laptop computer, but not an IP phone device. Therefore, Kikinis also fails to teach or suggest at least software stored in a memory for allowing a first user to *"select a first set of phone features from the list of phone features," "allowing the first user to download the first user's personal phone features to a second IP phone device," and "allowing the first user to operate the second IP phone device according to the first user's personal phone features from the PDA such that the first and second IP phone devices operate in a same manner based on the first user's personal phone features so long as each has the first user's personal phone features loaded therein,"* as required by claim 16, and somewhat similarly by claim 30. As a result, even if combined, Graham, Mattaway and Kikinis fail to render claims 16 or 30 obvious. Consequently, Graham, Mattaway and Kikinis also fail to teach or

suggest all features of claims 25, 26, 39 or 40. Withdrawal of this rejection is requested.

#### **NEW CLAIMS**

Applicant has added new independent claims 53-55, which are believed to be allowable for at least reasons somewhat similar to those set forth above with regard to claim 16, for example. Accordingly, allowance of new claims 53-55 and all claims dependent there from is requested.

#### **CONCLUSION**

In view of above remarks, reconsideration of the current rejection and allowance of the pending claims is respectfully requested.

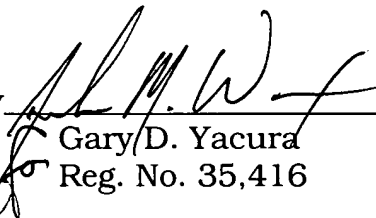
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450 extension fee herewith.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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